

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA**

SOUTHERN COAL SALES  
CORPORATION,

Plaintiff,

vs.

XCOAL ENERGY & RESOURCES,  
XCOAL ENERGY & RESOURCES LLC,  
and ERNIE L. THRASHER

Defendants.

Misc. Case No. \_\_\_\_\_

Relates to Action No. 7:12-cv-265 Pending  
in the United States District Court for the  
Western District of Virginia, Roanoke  
Division

**PROPOSED ORDER**

For the reasons set forth in Defendants' Motion to Quash Non-Party Subpoena to Consol Energy, Inc., or, in the Alternative, for Protective Order, and the Memorandum filed in support thereof, this Court finds that Defendants' Motion should be GRANTED.

WHEREFORE it is hereby ORDERED, ADJUDGED and DECREED that the subpoena to Consol Energy, Inc. is hereby QUASHED pursuant to Federal Rule of Civil Procedure 45(c).

It is FURTHER ORDERED that, in accordance with Federal Rule of Civil Procedure 26(c), no documents containing confidential and/or proprietary information belonging either to Consol Energy, Inc. or Defendants shall be produced in response to the subpoena.

DATED this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

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United States District Judge